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*Co-Lead Counsel for the Proposed Class in In re
Google Play Consumer Antitrust Litigation*

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

**IN RE GOOGLE PLAY CONSUMER
ANTITRUST LITIGATION**

RELATED ACTIONS:

Epic Games Inc. v. Google LLC et al.,
Case No. 3:20-cv-05671-JD

*In re Google Play Developer Antitrust
Litigation*, Case No. 3:20-cv-05792-JD

State of Utah, et. al., v. Google LLC, et. al.,
Case No. 3:21-cv-05227-JD

No. 3:20-CV-05761-JD

**DECLARATION OF KARMA M.
GIULIANELLI IN SUPPORT OF
PLAINTIFFS' ADMINISTRATIVE
MOTION TO FILE DOCUMENTS
UNDER SEAL AND NOTICE OF
LODGING PURSUANT TO CIVIL
LOCAL RULE 79-5**

Judge: Hon. James Donato

1 I, Karma M. Giulianelli, declare as follows:

2 1. I am an attorney duly admitted to practice in the State of California and
3 before this Court. I am a partner at Bartlit Beck LLP, Co-Lead Counsel for the Proposed Class
4 in this action. I make this declaration in support of Plaintiffs' Administrative Motion to File
5 Documents Under Seal and Notice of Lodging pursuant to Civil Local Rule 79-5. The facts set
6 forth herein are within my personal knowledge and if called as a witness, I could and would
7 competently testify to them.
8

9 2. Pursuant to §§ 2.2, 2.8, and 5.2 of the parties' Stipulated Protective
10 Order ("Protective Order") (Dkt. 34), a party may designate as "Confidential" or "Highly
11 Confidential" information that qualifies for protection under the terms of those sections.
12 Pursuant to §§ 7.2 and 7.3 of the Protective Order, disclosure of such information may be
13 allowed only to the categories of persons and under the conditions described in those sections
14 of the Protective Order, which includes the Court.
15

16 3. In their Consolidated First Amended Complaint ("FAC"), Plaintiffs have
17 included references or quotations from materials that Defendant Google has designated as
18 "Confidential" or "Highly Confidential" under the terms of the Protective Order. Accordingly,
19 Plaintiffs seek to file the unredacted FAC under seal initially, and together with the
20 accompanying motion, give Google notice of lodging the same pursuant to Civil Local Rule
21 79-5.
22

23 4. The redacted, public version of the FAC is attached as **Exhibit 1**, and the
24 unredacted version of the FAC is attached as **Exhibit 2**. The specific portions of the FAC that
25 are redacted in the public version are highlighted in yellow in the unredacted version, and
26 contain references to the confidential material as follows:
27

28
DECLARATION ISO PLAINTIFFS' ADMINISTRATIVE MOTION TO FILE
DOCUMENTS UNDER SEAL AND NOTICE OF LODGING
Case No. 3:20-CV-05761-JD

FAC Paragraph	Corresponding Page and Line Number(s)
¶ 17	5:13-14, excluding “Internally, Google freely admits that its” and “and is an”
¶ 17 n. 1	5:26, excluding “what it has internally called its” and “fee. As of July 1, 2021, Google allowed developers to register”
¶ 50	12:24, excluding “utilize a pre-installed app store to purchase and download apps. Indeed, only” and “of active android”
¶ 76	17:28, excluding “Android app store, except the Google Play Store, is pre-installed on more than” and “of Android” 18:3, excluding “comes pre-installed on no more than” and “of Android mobile devices”
¶ 82	19:4-5, excluding “Store generated revenues of,” “accounting for over,” and “percent of the company’s total revenue in that year of”
¶ 84	19:22-25, excluding “(emphasis added)”
¶ 85	19:27-20:9, excluding “important applications,” and “In short, Google would hobble Galaxy as a potential competitor.”
¶ 86	20:10-15, excluding “The plan specifically called for Google to” and “allowing”
¶ 87	20:19-22, excluding “In return for Samsung agreeing”
¶ 88	20:23-26, excluding “The Galaxy Store”
¶ 89	21:2-8, excluding “restrictive OEM agreements alone,” “While the vast majority of developers have no such choice,” and “Those incentives have ensured not only”
¶ 105	24:16-18, excluding “2009, Google told a major OEM that” and “(internal quotes in original)”

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FAC Paragraph	Corresponding Page and Line Number(s)
¶ 106	24:19-23, excluding “A more recent internal planning memorandum”
¶ 109	25:11, excluding “mobile device. Android OEMs must further pre-install up to” and “mandatory Google apps and locate” 25:13-16, excluding “mobile device that otherwise could be occupied by competing app stores or other services”
¶ 110	25:18-21, excluding “for flexibility”
¶ 111	25:24-26, excluding “Google has noted”
¶ 113	26:8, excluding “placement, something that Google currently forbids. Google’s contracts, covering over” and “of”
¶ 115	26:24-27:2, excluding “restrictions. For instance, in 2014,”
¶¶ 116-17	27:3-14
¶ 118	27:15-16, excluding “So, Google updated its DDA and altered Section” 27:19-21, excluding “devices outside of Google Play.”
¶ 119	27:22-24, excluding “At the same time,”
¶ 120	27:26-28:2, excluding “choice of applications that an OEM preloads or installs on a device. For instance,”
¶ 121	28:4-8, excluding “For instance, when”
¶ 123	28:16-26, excluding “any Google apps or products”
¶ 128	29:17-22
¶ 129	29:23-28, excluding “Indeed,”
¶ 130	30:1-5
¶ 131	30:9-10, excluding “in a 2014 presentation,”
¶ 132	30:14-15

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FAC Paragraph	Corresponding Page and Line Number(s)
¶ 133	30:16-19
¶ 134	30:21-23, excluding “Amazon, Google noted in an internal strategy document that it would respond by”
¶ 135	30:24-31:3
¶ 136	31:4-7, excluding “Discovery is ongoing. Though Google’s internal documents show that over,” “it remains to be seen exactly how many OEMs have entered,” and “Google’s intent, however, is clear.”
¶ 137	31:11-17, excluding “mobile network operator agreements. As candidly described by a Google employee.”
¶ 138	31:19-20, excluding “per year by 2023”
¶ 144	32:18-25, excluding “In 2014,”
¶ 154	35:3-5
¶ 155	35:8, excluding “Google’s internal documents, a full” and “of devices worldwide maintain the default setting”
¶ 156	35:12, excluding “has intentionally created” and “for installing apps from what it deemed ‘unknown’”
¶ 158	36:3-11, excluding “security theatre. Google internal documents explain that tagging an app as ‘unknown’”
¶ 159	36:14-18, excluding “Google recognized that,” and “By 2016, Google had,”
¶ 160	36:19-28, excluding “In 2017, Google also discussed additional ways to,” and “That same year,”
¶ 185	42:8-14, excluding “In addition,” and “The ability to choose a non-Google payments system for in-app transactions could

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FAC Paragraph	Corresponding Page and Line Number(s)
	save a developer, and hence consumers, tens of millions of dollars. Indeed,”
¶ 187	42:24-27
¶ 193	44:7, excluding “processing. For example, the 30% commission is far higher than the” and “revenue share that Google”
¶ 194	44:11-13, excluding “Google’s internal documents recognize that”
¶ 195	44:14-15, excluding “In fact, internally,”

5. At this time, Plaintiffs take no position on whether all referenced material warrants sealing, but nonetheless submit their request to seal and the notice of lodging the unredacted version of the FAC in compliance with the Protective Order and Civil Local Rule 79-5.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on this 21st day of July, 2021 at Denver, Colorado.

/s/ Karma M. Giulianelli